

Nuclear Projects Office**Mineral County**

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September 10, 2001

Mr. Lake Barrett
U.S. Dept. of Energy, OCRWM
1000 Independence Avenue SW
Washington, DC 20585

RECEIVED

OCT 2 - 2001

Dear Mr. Barrett,

On behalf of Mineral County I am responding to your letter dated 28 August 2001 (copy attached). Although the Department of Energy (DOE) has opened the "public comment period from May 4th - September 20th, 2001, the DOE has only recently released some of its scientific evidence, specifically, the Preliminary Site Suitability Evaluation Report (PSSE) - Aug 21, '01 to the public.

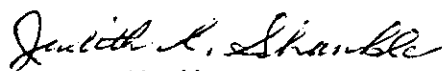
The DOE does not give the public enough time to respond, and information about the suitability of the Yucca Mountain (YM) site as a repository for Spent Nuclear Fuel (SNF) and High-Level Radioactive Waste (HLRW) is still coming out. How can the public make informed comments when all the evidence has not been presented yet? At the very least, the closing date for public comments should be extended an additional 90 days (December 20th, 2001) in order to provide the public a reasonable amount of time to review the PSSE and comment.

The DOE's preliminary evaluation (PSSE) of the suitability of the YM site as a geologic repository is based on its *proposed* site suitability regulations, yet to be codified as 10 CFR 963. The Department fails to evaluate the YM site under existing regulations, 10 CFR 960. Also, the DOE does not provide the public the opportunity to review the Department's evaluation of the site under these siting guidelines which have passed the public notice and comment process since 1984.

Mineral County believes the DOE violates not only the Administrative Procedures Act, but also the public trust that this program is supposed to promote. Therefore, Mineral County suggests that the DOE immediately suspend the current notice that is in the Federal Register, conduct an evaluation of the Yucca Mountain site under the 10 CFR 960 guidelines, and publish the results of that evaluation in the Federal Register for public review and comment. Changing regulations for the YM site at the last minute violates the public trust, and under any objective and scientific criteria, the YM Project would have been abandoned long ago.

Furthermore, Mineral County does not accept the DOE's utilization of a set of *proposed* site suitability regulations which have no legal or substantive basis as a means for evaluating the YM site.

cc: MC Board of Commissioners
AULG representatives
State of Nevada


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